

Serial No. 10/726,109  
Docket SPC 0409 PA/40719.711

Remarks

By this response, claims 1, 5, 8, 9, and 23-26 are amended, and claims 6-7 are canceled. No new matter has been entered. Accordingly, claims 1-5, and 8-26 remain pending in the application. Claims 10-22 are allowed.

In the office action the Examiner objected to claims 3-6 for a number of informalities which have been taken care of by the above amendments and claim cancellations. Accordingly, withdrawal of these objections is requested.

Claims 1-6, 9, and 23-26 are rejected under 35 USC 102(b) as being anticipated by Gerard et al (US 5,689,330). Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Accordingly, claim 1 has been amended with the limitations of canceled claims 6 and 7, and is now believed allowable. Claims 8, 9, and 26 are amended to providing proper antecedents.


Applicants note that Gerald et al. is directed to a self-leveling laser transmitter having a plurality of transparent windows 14 through which a rotating laser beam or light plane exits horizontally, and an upper window 16 through which a collimated beam exits perpendicular to the light plane. See FIG. 1, and col. 3., lines 1-7. Gerald therefore teaches that both the horizontal light plane and perpendicular collimated beam are transmitted through their respective windows at the same time. Accordingly, claim 23 has been amended to recite, inter alia, the limitations of "a laser transmitter including: a housing having a first laser exit window and a second laser exit window; a laser source in said housing, configured to emit a non-rotating reference laser beam; a drive leveling device operatively configured to orient said laser source such that said reference laser beam exits said housing through a select one of said first and second laser exit windows as a collimated laser beam; a level sensor operative to detect whether said laser source is in a level position or an out of level position with respect to a predefined plane; a controller configured to selectively operate said drive leveling device to pivot said laser source towards said level position upon information from said level sensor." Claim 24 has been amended to recite the limitations of "a housing having a first laser exit window and a second laser exit window; a laser source in said housing, configured to emit a non-rotating reference

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beam; a leveling device configured to indicate when said reference beam is oriented in a generally horizontal position; and a drive device, operatively configured to orient said reference beam so as to exit said housing only through a select one of said first and second laser exit windows as a collimated laser beam, said drive device arranged to orient said laser source in response to a signal from said leveling device." Claim 25 has been amended to recite the limitations of "a housing having a first laser exit window and a second laser exit window; a laser source in said housing, configured to emit a reference beam; and a drive device operatively configured to orient said reference beam so as to exit said housing only through a select one of said first and second laser exit windows as a collimated laser beam oriented generally horizontally during a setup mode of operation, wherein during said set up mode of operation, a level sensor provides feedback as to the level of said laser source with respect to the horizontal." Such limitations of amended claims 23-25 are neither disclosed nor suggested by Gerald.

The Applicants respectfully submit that, in view of the above amendments and remarks, the application is now in condition for allowance. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,  
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